

BOARD OF REGISTRATION IN PHARMACY
MEETING MINUTES
TUESDAY DECEMBER 09, 2008
239 CAUSEWAY STREET, ROOM 206
BOSTON, MA 02114

Present: Sophia Pasedis, R.Ph., Pharm.D., James DeVita, R.Ph., George Cayer, R.Ph., Kathy Fabiszewski, Ph.D., R.N., Joanne M. Trifone, R.Ph., Michael Tocco, R.Ph., M.Ed., Marilyn Barron, MSW, Public Member, Donald Accetta, M.D., Stanley Walczyk, R.Ph., Steven Budish, Public Member

Absent: William Gouveia, R.Ph., M.S.

Staff: James D. Coffey, R.Ph., Director, Margaret C. Cittadino, Associate Director, Susan Manning, Counsel, Leo McKenna, R.Ph., Pharm.D., CQI Surveyor, Carolyn Reid, Admin. Asst., Samuel Penta, R.Ph., Superv., Cheryl Latham, Inv.

1. 8:30 a.m. **CALL TO ORDER**
Pres. Pasedis called meeting to order.
2. 8:35 a.m. **LICENSING: Pharmacy/Wholesale Distributor Applications**
Assoc. Dir. Cittadino

New Pharmacy/Pharmacy Department

CVS/pharmacy 4200 – Proposed: 2 Lafayette Road, Salisbury 01952

Change of Manager

Boston Home Infusion, Dedham (Reg. No. 2623)
CVS/pharmacy 1869, Hyannis (Reg. No. 3337)
CVS/pharmacy 1041, Taunton (Reg. No. 1641)
CVS/pharmacy 746, Bedford (Reg. No. 1039)
CVS/pharmacy 307, Lexington (Reg. No. 22189)
CVS/pharmacy 1247, Wareham (Reg. No. 2949)
CVS/pharmacy 1859, E. Harwich (Reg. No. 2945)
CVS/pharmacy 843, Chicopee (Reg. No. 1388)
CVS/pharmacy 705, West Boylston (Reg. No. 3428)
Hannaford Food & Drug, Easton (Reg. No. 3438)
Osco Drug 7585, Plymouth (Reg. No. 3070)
Osco Drug 7588, Boston (Reg. No. 3200)
Rite Aid Pharmacy 10113, Lawrence (Reg. No. 2399)
Rite Aid Pharmacy 10102, Marlboro (Reg. No. 3120)
Rite Aid Pharmacy 10084, Clinton (Reg. No. 2780)
Stop & Shop Pharmacy 398, Edgartown (Reg. No. 3368)

Pharmacy Transfer of Ownership

Grand Union Pharmacy 182 (Pharmacy Reg. No. 3263) TO Stop & Shop
Pharmacy 2403, 56 Shank Painter Road, Provincetown

Pharmacy Closing

Stop & Shop Pharmacy #060, 30 Commercial St., Medford (Reg. No. 2131); transfer of records and inventory TO Stop & Shop #433, 760 Fellsway, Medford (Reg. No. 3614)

Nuclear Pharmacist

Anne-Marie Shea, R.Ph. (MA Pharmacist Lic. No. 22274)

Motion/Budish to approve applications, subject to compliant inspections and noted conditions. Second/Accetta. All in favor.

DeVita and Tocco recused from all above CVS applications.

3. 8:45 a.m. **UPDATES**
Dir. James D. Coffey - Online Renewals
4. 8:55 a.m. **ELECTIONS - 2009 Board Officers**
President: James DeVita
President Elect: Joanne Trifone
Secretary: Stan Walczyk
5. 9:05 a.m. **REPORT OF OFFICE OF INVESTIGATIONS**
File Review - Samuel J. Penta, R.Ph., Supervisor/Investigator;
James C. Emery, Investigator; Cheryl Lathum, Pharm.D., R.Ph.,
Investigator Leo A. McKenna, Pharm.D., R.Ph., QA Coordinator
6. 9:30 a.m. **PUBLIC HEARING**
Proposed Amendments to Board of Registration in Pharmacy Regulations (**247 CMR 2.00 and 5.04**) implementing Prescription Monitoring Program (PMP). The proposed regulations were adopted by emergency promulgation, effective 9/16/2008.

Section 2.00: New definition "Customer Identifier" replacing "Patient Identifier"

Section 5.04: Revising Pharmacy Reporting Requirements to the Prescription Monitoring Program

Hearing Testimony: John Lynch, Distr. Mgr., Eaton Apothecary.

Hearing concluded at 9:45 a.m.

Following hearing, Dr. Grant Carrow, Dep. Dir., DPH Center for QA and Control, DCP, advised Board that PMP FAQs would be revised and continually Updated to clarify procedures in hearing comment areas.

Motion/Pasedis to adopt proposed regulations if no comments received before 12/18/08 Comment Period end. Second/DeVita. All in favor.

7. 10:00 a.m. - **Medication Error Reporting**

Preliminary discussion of draft regulations related to pharmacy
Medication Error Reporting requirement (new M.G.L. c.112, § 39D)

Revised draft regulation will be reviewed at January 27, 2009 meeting.

8. 10:30 a.m. APPLICATION MEETING

Maria J. Fidalgo - Applicant for pharmacy technician registration.

Present: Fidalgo and John Lynch, Distr. Mgr., Eaton Apothecary.

Registrant has been working as a Pharmacy Technician Trainee at Eaton Apothecary, Brockton, for 2 years. Registrant responded to questions regarding matters disclosed on her licensure application (C.).

Mr. Lynch stated his support for Ms. Fidalgo's application.

Motion/Tocco to approve application. Second/DeVita.

In favor: Tocco, DeVita, Pasedis, Cayer, Trifone, Accetta, Barron, Budish, Walczyk. Opposed: Fabiszewski. Motion passed.

9. 11:00 a.m. INVESTIGATIVE CONFERENCE

In the Matters of Rite Aid Pharmacy – Multiple Complaint Docket Nos.

Rite Aid Corporation representatives appeared to present information regarding implementation of corrective actions in Massachusetts following Board inspections.

Tocco – Recused (exited meeting room)

Present: Michael Podgurski, R.Ph., V.P.; Dennis Beauchene, R.Ph., V.P.; Steve Horn, R.Ph., Distr. Mgr.; Kevin Bellino, R.Ph., Distr. Mgr.

Rite Aid Pharmacy representatives responded to Board inquiries and presented details of corrective actions implemented in response to various regulatory violation areas identified by board investigators (e.g. store hours, staffing, inventory and refrigerator issues, understanding of compounding guidelines). All MORs have completed Board's self inspection form.

Motion/Pasedis for Board investigators to conduct follow up inspections of multiple stores (previously inspected and not previously inspected) for current compliance. Board will determine next action after review of inspection results. Second / DeVita. All in favor.

10. 12:00 p.m. REPORT OF OFFICE OF GENERAL COUNSEL
Pending Legal Matters - Susan Manning, Board Counsel
Review and Discussion of Complaints and Other Matters
Closed Session (M.G.L. c. 112, s. 65C)

12:05 p.m. Motion/Budish to enter into Closed Session. Second/Cayer.
All in favor.

Tocco and DeVita – recused (exited meeting room)

Lidia Ramos, R.Ph. (License No. PH25003) – Docket no. PH-08-082

Motion/Cayer to terminate suspension and convert to license status to Probation, per Consent Agreement terms. Second/Budish. All in favor.

Ethics Memorandum dated 11/25/2008 – Ben T. Clements, Esq., Chief Legal Counsel, Office of Gov. Deval Patrick

Governor's Chief Counsel requests 7 day advance notice of any conflict disclosure.

Kevin Gill, R.Ph. (License No. PH16858) – Review of letter requesting reconsideration of *Order of Suspension Based on Violation of Consent Agreement* dated November 12, 2003.

Motion/Pasedis to advise of **Order** terms Second/Walczyk. All in favor.

Carol Price, R.Ph. (License No. 23707) – inquiry re: license reinstatement. Motion/Cayer to complete 1500 internship hours, NAPLEX and MPJE, continue compliance with current Massachusetts Professional Recovery System (MPRS) contract. Second/Walczyk. All in favor.

12:30 p.m. Motion/Trifone to end into Closed Session. Second/Budish.
All in favor

11. 12:30 p.m. PATIENT SAFETY SUBCOMMITTEE MEETING

Manager of Record Checklist: George Cayer, R.Ph.
Self-inspection document to be reviewed revised at 1/27/09 Board meeting.

12. New Business

- a) **Barry Eisenman** - Pharmacist Applicant.
Motion/DeVita to approve application. Second/Pasedis.
All in favor.
- b) **Eric Hinderleider** - Pharmacy Intern Applicant.
Motion/Trifone to approve application. Second/Walczyk.
All in favor.
- c) **Daniel Cloutier** - Pharmacy Intern Applicant.
Motion/DeVita to approve application. Second/Trifone. All in favor.
- d) **Brandon Glennon** - Pharmacy Intern Applicant.
Motion/Cayer schedule Board appearance. Second/Barron.
All in favor.
- e) **Anne Gerdes** - Pharmacy Intern Applicant.
Motion/Cayer to approve application. Second/Budish. All in favor.
- f) Board Meetings 2009 - Due to interagency scheduling conflicts and space limitations, board meetings may be moved to last Tuesday of month.
- g) **Avis Levethia Davis**: Pharmacist Applicant (Reciprocity).
Motion/Cayer schedule Board appearance. Second/Tocco. All in favor.

Old Business

Follow up discussion related to the 11/18/08 presentation by Marilyn Schlein Kramer, Executive Director of the Partnership for Healthcare Excellence: Re Participation in the Partnership's Leadership Council
DeVita to participate on Partnership's Leadership Council.

13. 1:00 p.m. – Motion/DeVita to adjourn meeting. Second/Walczyk.
All in favor.

Respectfully submitted by:

James D. Coffey, R.Ph.

Director

Date: _____

Reviewed by Counsel: February 11, 2009
Draft approved: February 11, 2009
Board approved: March 31, 2009

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